

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

MICHAEL SCOTT ROLAND,

Plaintiff,

vs.

**KEARA A. RAMOS, STEVENS
TRANSPORT, INC., ABC
CORPORATIONS #1-3 and JOHN
DOE 1-3,**

Defendants.

CAFN:

**REMOVED FROM SUPERIOR
COURT OF BUTTS COUNTY
CIVIL ACTION FILE NO.
2022-SU-V-0213**

**DEFENDANTS' NOTICE OF REMOVAL TO UNITED STATES
DISTRICT COURT**

TO: The Honorable Judges of the United States District Court for the Middle District of Georgia, Macon Division:

COME NOW, Defendants **KEARA A. RAMOS** and **STEVENS TRANSPORT, INC.**, Defendants in the above-styled action (hereinafter "Defendants"), and file the following Notice of Removal to United States District Court, showing the Court as follows:

1. This civil action was filed on or about June 28, 2022, in the Superior Court of Butts County, State of Georgia. That action is designated there as Civil Action

File No.: 2022-SU-V-0213. Defendants have not been properly served with process at this time, although Defendant Stevens Transport, Inc., received a copy of the Complaint in this case on July 1, 2022. This removal is timely filed. No specific damages were alleged in the Complaint. Plaintiff's counsel has indicated that she "figured when [she] filed that [this case] was likely to get removed" and that she could not agree to stipulate that the amount in controversy was less than \$75,000.00. (*See* Email Correspondence, attached hereto as Exhibit "A").

2. Defendant files herewith a copy of all process, pleadings, and orders received by Defendant in Civil Action File No.: 2022-SU-V-0213, pursuant to 28 USC §1446.

3. Defendant Stevens Transport, Inc., is now, was at the commencement of Civil Action File No.: 2022-SU-V-0213, and at all times since has been an entity organized and existing under the laws of the State of Texas.

4. Defendant Stevens Transport, Inc.'s Principal Office at the time of filing of Civil Action File No.: 2022-SU-V-0213 was, and at all times since has been located in Texas.

5. Defendant Keara A. Ramos is an individual and citizen residing with the intent to remain in the State of Pennsylvania. (Compl. ¶ 2).

6. Upon information and belief, Plaintiff is an individual and citizen residing with the intent to remain in the State of Georgia. (Compl. ¶ 1).

7. The action described above is a civil action with a claim of which this Court has original jurisdiction, and it is one that may be removed to this Court by the Defendant pursuant to the provisions of 28 USC §§ 1332 and 1441 et seq., in that there is complete diversity among the Parties, the Parties are not residents of the same State, and the amount in controversy exceeds \$75,000.00 exclusive of interest and costs.

- a. No specific damages were alleged in the Complaint. However, Plaintiff's counsel has indicated that she "figured when [she] filed that [this case] was likely to get removed" and that she could not agree to stipulate that the amount in controversy was less than \$75,000.00. (Ex. "A").
- b. Amount in controversy" means simply the amount sought by Plaintiff that can be legally awarded by the fact-finder. "The jurisdictional fact in this case is not whether the damages are greater than the requisite amount, but whether a fact finder might legally conclude that they are: In other words, an amount that a plaintiff claims is not 'in controversy' if no fact finder could legally award it." *Kopp v. Kopp*, 280 F.3d 883, 885 (8th Cir., 2002). "[T]he plaintiffs' likelihood of success on the merits is largely irrelevant to the court's jurisdiction because the

pertinent question is what is in controversy in the case, not how much the plaintiffs are ultimately likely to recover." *Pretka v. Kolter City Plaza II, Inc.*, 608 F.3d 744, 751 (11th Cir., 2010). In a tort case the amount in controversy includes "general, special, and punitive damages." *Williams v. Best Buy Co.*, 269 F.3d 1316, 1320 (11th Cir., 2001).

12. Defendant files herewith a copy of all process, pleadings, and orders received by Defendant in Superior Court of Butts County, State of Georgia, marked as Exhibit "B".

13. Defendant attaches hereto a copy of Defendant's Notice of Removal which has been sent for filing in the Superior Court of Butts County, State of Georgia, marked as Exhibit "C".

14. All Defendants agree to this removal.

WHEREFORE the Defendant prays that the above action now pending against it in the Superior Court of Butts County, State of Georgia, be removed to this Court.

This 28th day of July, 2022.

HALL BOOTH SMITH, P.C.

/s/ Samuel S. Sykes

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CERTIFICATE OF SERVICE

I hereby certify that on this day I have served a copy of the within and foregoing **DEFENDANTS' NOTICE OF REMOVAL TO UNITED STATES DISTRICT COURT** upon all parties to this matter by depositing same in the U.S.

Mail and/or via e-file and serve as required by law:

Laura Sidwell Maki
Morgan and Morgan Atlanta, PLLC
191 Peachtree Street NE, Suite 4200
Atlanta, GA 30303
lmaki@forthepeople.com
Attorney for Plaintiff

This 28th day of July, 2022.

HALL BOOTH SMITH, P.C.

/s/ Samuel S. Sykes

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